

E-FILED; Montgomery Circuit Court
Docket: 1/24/2022 11:14 AM; Submission: 1/24/2022 11:14 AM

IN THE CIRCUIT COURT OF MARYLAND FOR MONTGOMERY COUNTY

RIHANA CLARKE
2745 Amberbrooke Lane
York, Pennsylvania 17408

Plaintiff

v.

JOSE ANDRES DELGADO ESTERAS
2471 Grasmere View Pkwy N
Kissimmee, Florida 34746

Case No.

And

PUERTO RICO PACKERS, NA INC.
524 Mid Florida Drive, Ste. 201
Orlando, Florida 32824

Serve: Algarin Alcides, Resident Agent
524 Mid Florida Drive
Suite 201
Orlando, Florida 32824

Defendants.

COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff Rihana Clark, by and through undersigned counsel, A. David Freeman,
Esquire and the law firm of DROSS BERMAN LLC, respectfully states as follows:

Facts Common to All Counts

1. Plaintiff Rihana Clarke is currently a resident of the State of Pennsylvania.
2. Defendant Jose Andres Delgado Esteras is believed to be a resident of the State of Florida and at all times relevant hereto as an agent and/or employee of Defendant Puerto Rico Packers, NA Inc. and was acting in the scope of and in furtherance of his employment with Defendant Puerto Rico Packers, NA Inc.

3. Defendant Puerto Rico Packers, NA Inc. is a corporation incorporated in the State of Florida and, at all times relevant hereto, was the employer of Defendant Jose Andres Delgado Esteras.

4. On or about May 2, 2019 at approximately 8:32 pm, Plaintiff was operating her vehicle in the far left lane on the inner loop of I-495, prior to Greentree Road in Montgomery County, Maryland.

5. At the same time and place, Defendant Jose Andres Delgado Esteras was operating a Tractor Trailer owned by Defendant Puerto Rico Packers, NA Inc. also on the inner loop of I-495 in the far left lane behind Plaintiff.

6. As Plaintiff slowed her vehicle in traffic, Defendant Jose Andres Delgado Esteras struck the rear of Plaintiff's vehicle, causing her to strike a vehicle that was parked on the shoulder of the interstate. Defendant Jose Andres Delgado Esteras then veered off and struck another vehicle to his right.

7. At all times relevant, Plaintiff was free of any contributory negligence as to the cause of the accident and/or the injuries sustained. Likewise, Plaintiff did not assume the risk.

Count I
(Negligence- Rihana Clarke v. Jose Andres Delgado Esteras)

Plaintiff hereby incorporates by reference all of the allegations contained in the foregoing paragraphs of this Complaint as if fully set forth herein.

8. At all times relevant, it was the duty of Defendant Jose Andres Delgado Esteras to operate his vehicle in a safe, prudent, and reasonable manner to wit:

- (a) to safely operate his vehicle at a reasonable rate of speed;
- (b) to yield to traffic on the main road;

- (c) to keep a proper lookout for other vehicles and/or traffic;
- (d) to pay full time and attention;
- (e) to avoid colliding with other vehicles;
- (f) to operate his vehicle in accordance with the Rules of the Road;
- (g) to generally operate his vehicle in a safe, reasonable and prudent manner.

9. Despite the duty owed, Defendant Jose Andres Delgado Esteras failed to operate his vehicle in a safe, reasonable and prudent manner as previously alleged.

10. As a proximate cause of the Defendant Jose Andres Delgado Esteras' negligence and the resulting collision, Plaintiff was caused to suffer significant personal injuries, including pain and suffering and was further caused to incur monetary expenses, including but not limited to, medical expenses, lost wages and general out-of-pocket expenses.

WHEREFORE Plaintiff Rihana Clarke demands judgment against Defendant Jose Andres Delgado Esteras in an amount **in excess of Seventy-Five Thousand Dollars** plus interest and costs and any such further relief as may be appropriate.

Count II

(Respondeat Superior – Puerto Rico Packers, NA Inc.)

Plaintiff hereby incorporates by reference all of the allegations contained in the foregoing paragraphs of this Complaint as if fully set forth herein.

11. On the date of the occurrence, Defendant Jose Andres Delgado Esteras was acting in the scope of and in furtherance of his employment and/or agency with Defendant Puerto Rico Packers, NA Inc.

12. Defendant Puerto Rico Packers, NA Inc. entrusted its vehicle to Defendant Jose Andres Delgado Esteras, who was acting on behalf of and in furtherance of Defendant Puerto Rico Packers, NA Inc.'s agency, errand and/or mission.

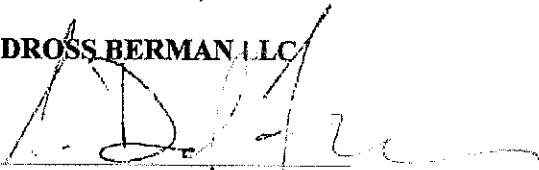
13. Defendant Jose Andres Delgado Esteras was a permissive and authorized user of Defendant Puerto Rico Packers, NA Inc.'s vehicle. Defendant Puerto Rico Packers, NA Inc. , at all times relevant herein, maintained construction possession and control of the vehicle.

14. Defendant Puerto Rico Packers, NA Inc. is liable to Plaintiff for the actions of its employee and/or agent under the doctrine of *Respondeat Superior*.

WHEREFORE Plaintiff Rihana Clarke demands judgment against Defendant Puerto Rico Packers, NA Inc. in an amount in **excess of Seventy-Five Thousand Dollars** plus interest and costs and any such further relief as may be appropriate.

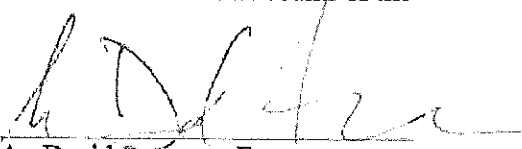
Respectfully submitted,

DROSS BERMAN LLC


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JURY DEMAND

Plaintiff demands a trial by jury of all issues so triable in all counts of the Complaint.


A. David Freeman, Esq.